

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL****JS-6**

Case No.	CV 12-9388 CAS (FFMx)	Date	December 12, 2012
Title	EVANDER HOLYFIELD V. JULIEN ENTERTAINMENT.COM, INC., ET AL		

Present: The Honorable	CHRISTINA A. SNYDER	
Catherine Jeang	Not Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants	
Not Present	Not Present	

**Proceedings:** (In Chambers:) ORDER STAYING CASE PENDING  
ARBITRATION

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of December 17, 2012 is vacated, and the matter is hereby taken under submission.

Plaintiff filed the instant action in this Court on November 1, 2012. Plaintiff's complaint asserts eight claims for relief: (1) conversion, (2) unfair business practices, (3) breach of fiduciary duty, (4) breach of oral contract, (5) anticipatory breach of oral contract, (6) false promise, (7) misrepresentation, and (8) declaratory relief. In short, plaintiff's lawsuit seeks to prevent defendants from auctioning twenty of his possessions (which plaintiff refers to as the "Not For Sale Items") on November 30, 2012 ("the auction"). Further background facts are set forth in the Court's order dated November 21, 2012. Dkt. # 39.

On November 21, 2012, the Court granted plaintiff's request for a temporary restraining order, and on November 28, 2012, the Court required plaintiff to post a \$250,000 security. Plaintiff posted the required security on November 29, 2012. The Court thereafter issued a preliminary injunction on December 5, 2012.

Defendants filed an ex parte application for an order compelling arbitration on November 6, 2012. Pursuant to the Court's November 21, 2012 order, this ex parte application was converted into a motion to compel arbitration. Dkt. #39 at 10 n. 5. Plaintiff filed a responsive statement to the motion to compel arbitration on December 3, 2012, and defendants replied on December 11, 2012.

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It appears that the parties are in agreement with respect to how to proceed in this case. Plaintiff takes the position that his claims should proceed in arbitration, and only requests that the Court retain jurisdiction over matters related to the interim relief the Court has already granted. Ptf.'s Responsive Statement at 2 – 3. Defendant agrees. Def. Reply at 3 – 4. Accordingly, the Court hereby STAYS this action pending resolution of plaintiff's claims in arbitration, but retains jurisdiction to hear any disputes regarding the preliminary injunction issued on November 29, 2012. The parties are ORDERED to provide the Court status updates on the progress of the arbitration every 180 days or within 20 days of the arbitrator's final decision, whichever first occurs.

IT IS SO ORDERED.

Initials of Preparer

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CMJ